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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/748,702 | 12/29/2003 | Bhaskar Jayakrishnan | 10559-908001 / P17956 | 2141 |
| 20985 | 7590 | 01/08/2008 | EXAMINER | |
| FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | PHAM, BRENDA H | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2616 | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/748,702 | JAYAKRISHNAN ET AL. | |
| | Examiner | Art Unit | |
| | Brenda Pham | 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 December 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-2,5-9,12-16,18-19,24-25,27-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5-9,12-16,18,19,24,25 and 27-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 April 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-2, 5-9, 12-16, 18-19, 24-25, 27-32 are pending in the application.

Claim Objections

2. Claims 8 and 12 are objected to because of the following informalities: "machine" should be corrected to "computer". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The step of transmitting the message from the second switching device to a third switching device was not described in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 15 and 24 are rejected under 35 U.S.C. 112, first paragraph, as based on a single means claim, i.e. (claim 15 recites a process, claim 24 recites a first application-specific integrated circuit (ASIC)), where a means recitation does not appear in combination with another recited element of means. A single means claim which covered every conceivable means for achieving the stated purpose was held non-enabling for the scope of the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 5, 7-9, 12-16, 18-19, 24-25, 27-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US 2004/0174890 A1).

Regarding claims 1, 2, 5, 7-9, 12, 14-16, 18-19, 24-25, 27-32, Chen et al disclose method comprising (see FIG. 1 & 3):

receiving a plurality of packets at a plurality of first locations in a first switching device (First network switch chip) operatively coupled to a second switching device

(Second network switch chip), the first switching device to transmit the plurality of packet to a plurality of second locations in the second switching device, each second location configured to receive packets from one or more first locations and other second locations;

receiving a message for regulating packet flow on the first switching device from the second switching device, the message identifying a congested second location in the second switching device; and slowing packet transmission from the first switching device to the second switching device in response to receiving the message, wherein the message identifies a congested port in the second switching device.

Chen et al teaches " The first network switch chip 12 and the second network switch chip 14 can share the congestion condition through the connection of the first high-speed network port 16 and the second high-speed network port 18. For example, once a connection port (in the first connection ports 15 or the second connection ports 17) congests, the first switch chip 12 or the second network switch chip 14 stops the data transmission from the source port toward the congested port, in other words the first network switch chip 12 and the second network switch chip 14 can send a command or a control packet to stop data transmission to the congested port until the congestion is relieved."

[0014].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 2004/0174890 A1) in view of Joung et al (US 6,628,613 B1).

Regarding claims 6 and 13, as explained in the rejection statement of claims 1, 5, 8, 12, 15, 18 and 24 (parent claims), Chen et al discloses all the claimed limitations recite in parent claims. Chen et al does not teach transmitting the message from the second switching device to a third switching device.

Joung et al in the same field of endeavor, teaches this limitation (see figure 1, Col. 3, Line 9-20).

It would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the step of transmitting the congestion control message from the second switching device to the other switching devices to alert an existing traffic congestion of the switch.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ni (US 6,680,910) disclose an integrated circuit includes the capability, either alone or in combination with other integrated circuits, to monitor the receive rate

utilization of a network interface unit and adjust the minimum interval for the transmission of a flow control frame, based, at least in part, on the receive rate utilization determined.

DeLong (US 6,141,344) a coherence mechanism for distributed address caches in a network switch.

Calvignac et al (US 2003/0110339 A1) discloses a chip to chip interface for interconnecting chips.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

January 2, 2008
Brenda Pham

Brenda Pham

BRENDA PHAM
PRIMARY EXAMINER